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# The Charitable Bonds of the Spanish Empire: The Casa de Contratación as an institution of charity

Julia McClure

## Abstract

In the sixteenth century Spain developed Europe's first global empire, an empire underpinned by the beliefs and structures of Catholicism, and driven by pursuits of God and of gold. Informed by Catholic doctrine, the Spanish Empire had a complex spiritual economy of charity, where spiritual, moral, and economic values were interchangeable. The *Casa de Contratación* became the commercial and administrative hub of the Spanish Empire, a position which made it an important node in the network of the charitable spiritual economy. This article will show that charity was an important part of the daily business of the *Casa de Contratación* and that this charity was important to the fabric of the Spanish Empire in three ways. Firstly, charity is a mechanism for maintaining social order and the crown used the *Casa de Contratación* to give a benevolent face to empire and prevent unrest. Secondly, the bonds of charity were at the foundation of Christian communities, and by administering long-range charity the *Casa de Contratación* helped to maintain these communities across the empire, forming the new global Catholic communities of the Spanish Empire. Thirdly, the *Casa de Contratación* provided a legal framework for people within the empire to claim that they were poor and access resources by requesting different types of charity.

## Key words

Spanish Empire, charity, institutions, spiritual economy

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## **Article**

### **Introduction**

In the late fifteenth century, amid fierce competition with the Portuguese to find new trade routes to the East, the Spanish monarchs Ferdinand and Isabella, sponsored the first expedition West across the Atlantic which positioned them to become the rulers of Europe’s first global empire. As transatlantic shipping expanded, the monarchs were under pressure to protect their precious cargoes, the fleets that carried it, and the maritime and cartographic knowledge that enabled it. In 1503 Ferdinand and Isabella established the *Casa de Contratación*, the House of Trade, to assist this project of empire formation. The *Casa de Contratación* is known to have been the administrative and commercial hub of the Spanish Empire, but it helped administer the complex ecosystem of charity, which was part of the fabric of the Spanish empire. This charity was underpinned by the beliefs and practices of Christianity and had religious dimensions, but the transactions of charity also had political and socio-economic dimensions. The *Casa de Contratación* was a central institution in the spiritual economy of charity that helped form the Spanish Empire.

Through its administration of charity the *Casa de Contratación* can be described as part of a “spiritual economy” since it administered transactions that had spiritual as well as socio-economic values. Within Spain’s Catholic world charity was not only a system for redistributing economic resources but had religious meaning. According to Christian doctrine, giving material wealth to the poor was a way to acquire the spiritual wealth of

“treasures in heaven” (Matthew 19:12, with Mark 10:21 and Luke 18:22). Religion, which was essential to the fabric of the Iberian world, became part of the institutional infrastructure of the *Casa de Contratación* both theoretically and literally. The Archdeacon of Seville, Juan Rodríguez de Fonseca, who was also the queen’s chaplain, was instrumental in setting up the *Casa de Contratación* and the first treasurer, Dr Sancho de Matienzo, was also the canon of the cathedral of Seville. The physical structure of the *Casa* contained a storage house, rooms for administration and accommodating personnel, a pilot training centre, hydrographic bureau and a prison; it also had a private chaplain at its centre which was staffed by the *Casa*’s own clergy. The *Casa de Contratación* may have been established as a commercial institution,<sup>1</sup> but it was shaped by the socio-religious context in which it emerged and was informed by the norms and practices of Catholicism and it is therefore unsurprising that it was also an institution of charity. The way in which the *Casa de Contratación*’s charitable activities played a role in its contribution to empire formation can be split into three functions.

Firstly, charity was a mechanism for maintaining social order and mediating the socio-economic distances between the rich and the poor in unequal societies and the *Casa de Contratación* became part of this system. Christian obligations for the rich to give a share of their wealth to those in need was enshrined in Canon Law; Gratian’s *Decretum* contained texts that stated, “feed the poor. If you do not feed them you kill them”,<sup>2</sup> and “a man who keeps more for himself is guilty of theft.”<sup>3</sup> The need for a system of charity to maintain social order and prevent unrest was increased as inequality increased during the formation of the Spanish Empire in the sixteenth century. With the opening of transatlantic trade wealth

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<sup>1</sup> Clarence Henry Haring, *Trade and Navigation Between Spain and the Indies in the Time of the Habsburgs* (Cambridge MA: Harvard University Press, 1918), 22 and 32.

<sup>2</sup> D. 86 c. 21.

<sup>3</sup> D. 42 c. 1.

flowed into Spain, but economic conditions in the Peninsula remained precarious with high levels of debt, inflation, and high competition for low-skilled and low-paid work.<sup>4</sup> The socio-economic distance between rich and poor was extended. This inequality was acute in Seville, the home of the *Casa de Contratación*, which channelled all goods passing to and from the Americas. Patrick O’Flanagan writes that while Seville was an *el dorado*, it is clear that “the yawning gap between the ostentatious wealth of the few and the abject poverty of the many was a deeply ingrained fact-of-life.”<sup>5</sup> Major epidemics in 1520 and 1649 and bread riots in 1521 and 1652 revealed the precarious economy of the city despite the flows of wealth from the Americas. In this context of increased inequality, the importance of charity as a mechanism for maintaining, social, economic, moral, political, and spiritual order was amplified. As an institution located at the centre of this inequality, the *Casa de Contratación* was also invested in the system of charity that mitigated the risk of social unrest caused by poverty and inequality. This charity an imperial strategy in the ways identified by Regina Grafe in this special issue, helping the crown to establish social control and help build its legitimacy through curating an image of benevolence.

Secondly, charity was the web of mutual obligations and responsibilities that bound Christian communities together;<sup>6</sup> as these communities were stretched across the world the *Casa de Contratación* helped mediate these spatial distances by administering the transactions of long-range charity. Charity was the sacred bond at the foundation of the

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<sup>4</sup> See Mary Elizabeth Perry, *Crime and Society in Early Modern Seville*, (Lebanon: NH: University Press of New England, 1980).

<sup>5</sup> P. O’Flanagan, *Port Cities of Atlantic Iberia, c. 1500-1900* (Abingdon: Routledge, 2008), 71.

<sup>6</sup> These obligations comprised the corporal acts of mercy: feeding the hungry, giving drink to thirsty, clothing the naked, visiting the sick, sheltering the homeless, ransoming captives, and burying the dead, and the spiritual acts of mercy: to instruct the ignorant, to counsel the doubtful, to admonish sinners, to bear wrongs patiently, to forgive offences willingly, to comfort the afflicted and to pray for the living and the dead.

Christian concept of community, following Christ's command: "thou shalt love thy neighbour as thyself" (Matthew 22:36-40). Christian communities were stretched across the Atlantic, and later Pacific, during the formation of the Spanish Empire as many people left their homes in the Iberian Peninsula to live and work in the Americas or Philippines. The *Casa de Contratación* administered this long-range charity, helping to shape the global Catholic communities that helped form the Spanish Empire.

Thirdly, claims to charity were embedded within the legal system and the *Casa de Contratación* played a role in legal cases relating to the poor's claim to charity. Since the twelfth and thirteenth centuries, the poor had the right for their claims to be heard in a court of law and for legal representation. The Castilian *fuero* of Soria, Alfonso X's *Las Siete Partidas* and the *acta* of various *Cortes* stipulated the right to free legal counsel.<sup>7</sup> As the *Casa de Contratación* developed jurisdictional responsibilities it also heard the cases of the poor and paid for their legal representation. The *Casa de Contratación* became part of a charitable process that enabled the poor to bargain for resources within the imperial framework.

While this article focuses upon the *Casa de Contratación* was part of a network of institutions with overlapping jurisdictions and much of its business required transactions with a range of institutions.<sup>8</sup> It corresponded with the customs house in the Americas, the trade guild (*consulado*), and the *Consejo de Indias* (Council of the Indies), and through its charitable business it established relations with a range of religious institutions (churches, and

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<sup>7</sup> James Brodman, *Charity and Religion in Medieval Europe* (Washington D.C.: Baltimore Catholic University Press, 2009), 18, fn 12.

<sup>8</sup> This fits the model of early modern institutions; as Regina Grafe and Oscar Gelderblo summarised, 'merchants typically used combinations of institutions to solve one particular problem, but each of these institutions contributed to solving multiple problems'; Regina Grafe and Oscar Gelderblo, 'The Rise and Fall of the Merchant Guilds: Re-thinking the Comparative Study of Commercial Institutions in Premodern Europe', *Journal of Interdisciplinary History*, 11: 4 (2010), 477-511, 478.

monasteries) and hospitals. For example, on one occasion the *Casa de Contratación* received a request for from a monastery for a charitable expedition to seek alms in the New World, and for this expedition to be paid for by the *Consejo de Indias*.<sup>9</sup> Focusing upon the *Casa de Contratación* highlights the richly woven network of institutions that served the complex spiritual economy of charity in the Iberian Peninsula, as well as how this institutional network shaped the Spanish Empire.

### **Part 1 Social Order: Charity & the mediation of socio-economic distances**

The *Casa de Contratación* was a multifunctional institution that was established by the crown to establish and control a royal monopoly of transatlantic resource flows in the newly emerging Spanish Empire.<sup>10</sup> There were many challenges to achieving this imperial order and José Cervera Pery described the enterprise as the “*monopolio de la discordia*”, the monopoly of discord.<sup>11</sup> Amidst many challenges, the *Casa de Contratación* was charged with the responsibility to assist Spanish monarchy’s imperial ambitions and increase its control of the movement of people and resources in the Spanish Empire. The *Casa de Contratación* was not a private commercial enterprise, but an arm of the Spanish Empire, and the crown had oversight of the wealth flowing through the institution. The Crown controlled the *Casa de Contratación* by issuing Ordinances to define its roles and by issuing *Real Cédulas* to shape

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<sup>9</sup> Archivo General de Indias (AGI), INDIFERENTE, 745,n.64.

<sup>10</sup> Estimates of the amount of Silver vary, but Patrick O’Flanagan summarises that ‘by 1561, the annual intake at Seville rounded to 94 tons and by the end of the century some 250 tons arrived’, and that ‘between 1503 and 1660 some 250,000 tons of silver came through Seville’; O’Flanagan, *Port Cities of Atlantic Iberia*, 52.

<sup>11</sup> José Cervera Pery, *La Casa de Contratación y el consejo de indias* (Madrid: Ministerio de Defensa, 1997), 61. The crown’s dreams of royal monopoly of transatlantic trade dwindled as the sixteenth and seventeenth centuries unfolded. A parallel institution was established in the Americas to correspond with the *Casa* in Seville, but this was little more than a customs house; Haring, *Trade and Navigation*, 24.

the policies of the *Casa*. The 1503 Ordinances also indicate the crown's attempt to instrumentalise the *Casa de Contratación* to establish bureaucratic control over all aspects of transatlantic exchanges. The ordinances stipulated the governance over the minutiae of the transatlantic voyages, including who qualified for a passenger licence, how the cargoes and vessels should be inspected, and how the masters and pilot should behave. The *Casa de Contratación* was mandated with helping the crown to develop its imperial ambition, control the movement of people and goods, and maintain order and charity played a role in this.

The accounts of the *Casa de Contratación* (*Contadurias*) show that the *Casa* distributed different types of charity serving different purposes. These charitable payments helped the Spanish Empire to increase its authority and control by casting itself as a benevolent provider. The performance of charity was important to the paternalistic image of the Spanish Empire. The *Casa* assisted people with costs, paid pensions and administered alms.<sup>12</sup> Some of the records in this account book are normal costs of paying soldiers, but it also includes records of charity. Here I have focused upon the expenditures recorded in the earliest account book (1503 – 1521) kept by Sancho de Matienzo, treasurer of the *Casa de Contratación* for the first years of the institution.<sup>13</sup> This account book was preserved in the *Archivo General de Simancas* and is less well known than the *Casa de Contratación* accounts preserved in the *Archivo General de Indias*. This early account book itemises all of the regular payments of the *Casa de Contratación* that you would expect to see, for post, salaries, ships, slaves, provisions, arms and so on. It also included a number of charitable payments which readers might find more surprising. The *Casa de Contratación* made a wide variety of payments to dependents of the Spanish Empire, from widows to slaves. Since these people

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<sup>12</sup> AGI, CONTADURIA, 220.

<sup>13</sup> Miguel Ángel Ladero Quesada, *Las Indias de Castilla en Sus Primeros Años, Cuentas de la Casa de Contratación* (1503-1521) (Madrid: Comité Español de Ciencias Históricas, 2008).



had become dependents through the processes of empire, it is perhaps blurring the boundaries to think of this as “charity”. Yet, these payments were often voluntary (since there were no legal obligations for the *Casa de Contratación* to provide for dependents) and were payments in cash and kind for things that were usually provided by charities such as clothing and health care. A systematic record of the charitable expenditures of the *Casa de Contratación* separate from the main account book of *the Casa de Contratación* was made for the period 1552 – 1727 and lists expenditure on pensions, alms, and other mercies conceded by the *Casa*.<sup>14</sup>

The way in which charity helped the Spanish Empire present itself as a paternalistic power can be seen in the way in which the Crown used the *Casa de Contratación* to pay pensions to the widows of men who had died in the service of empire. For example, it paid Juana Benítez, wife of Alonso de la Calla, 506 maravedíes from the payroll of the venture,<sup>15</sup> and in 1508 it paid Iñes Díaz 7,933 mrs.<sup>16</sup> In 1506 a mother and her children, the widow of Diego Francés, received 96 mrs from the salary of Juan de Murcia,<sup>17</sup> and the same women later gets more money (1,054) from the salary of Pedro de Ledesma.<sup>18</sup> In 1509, the wife of Vincente Yánez Pinzón is paid 14,090.<sup>19</sup> In 1509, 18,250 is paid to the wife of Diego Fernández<sup>20</sup> This was not peculiar to the early account book, and later in the sixteenth century it continued to pay pensions to widows and in 1597 a one off payment of 10,000 *ducados* was given to Dona Catalina de Cordova, because her husband died defending

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<sup>14</sup> AGI, CONTADURIA, 220.

<sup>15</sup> Quesada, *Cuentas*, 289.

<sup>16</sup> Quesada, *Cuentas*, 312. The difference in pension reflects the difference in status.

<sup>17</sup> Quesada, *Cuentas*, 300.

<sup>18</sup> Quesada, *Cuentas*, 303

<sup>19</sup> Quesada, *Cuentas*, 341.

<sup>20</sup> Quesada, *Cuentas*, 351.

galleons.<sup>21</sup> These charitable payments to widows helped sculpt the paternalistic power structure of the Spanish empire, offering both political and moral profits to the crown. Money was not always just paid out to widows; in 1506 the *Casa de Contratación* paid the salary of Alonso de Almagro, who had died, to his brother.<sup>22</sup> The heirs of the deceased Juan Pérez also get money from the salary of Ledesma.<sup>23</sup> These payments are less like the payment of pensions to dependents and more similar to the redistribution money owed to a deceased person to his heirs. Ensuring that salaries were paid and that heirs were satisfied was politically profitable since it was a means of maintaining social order.

Charitable payments were not solely concerned with poverty relief but maintaining social order. For example, money was given to the wife of Juan de la Cosa, who died, in 1511, to help her pay for her daughter's wedding.<sup>24</sup> The label "*limosnas*" (alms) was given to a wide range of payments, and to people of different social status, reminding us that the Christian conception of charity since Late Antiquity concerned providing for those whose economic status had changed, and not only those in dire conditions of poverty.

The *Casa de Contratación* made payments for the maintenance costs of the Amerindians that had been brought from the Americas. One itemised entry for expenses of the three caciques that came to Spain in 1503 included a tunic, two shirts, a bonnet and two pairs of shoes.<sup>25</sup> In 1505, the *Casa de Contratación* paid the chaplain, Luis del Castillo, 2,833 mrs for looking after "Diego el yndio, son of the Cacique",<sup>26</sup> and another 225 mrs is spent on

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<sup>21</sup> AGI, CONTADURIA, 220.

<sup>22</sup> Quesada, 300.

<sup>23</sup> Quesada, 304.

<sup>24</sup> Quesada, 352

<sup>25</sup> Quesada, 263

<sup>26</sup> Quesada, 288.

his upkeep, food, and education in 1506.<sup>27</sup> Payments for care continued and covered Diego's life. The *Casa* paid for medicines when he got sick 1.080.<sup>28</sup> The itemised expenses indicate that expenditure went beyond basic needs, and point towards a patriarchal care of dependents which concerned more than economic interest.

The *Casa de Contratación* paid for the upkeep of its dependents, including Amerindians who had been brought from Spain to the Americas. The *Casa de Contratación* did not pay for these Indians directly, but farmed out their care to other charitable and religious institutions. In 1517 the *Casa* paid the monastery of *San Leandro e Santa Maria de las Duenas e San Iohan de la Palma y San Clement* for the upkeep of two Amerindian men and 5 women.<sup>29</sup> Later that same year the *Casa* paid for the maintenance of six Amerindian women, two men, and another that Amerindian that died in the *Hospital del Cardenal*.<sup>30</sup> The itemised costs include payments for shoes and medicine. Amerindians in Spain were identifiable as dependents of the Spanish Empire, and it is clear they needed to be well dressed and cared for, and the *Casa* sub-contracted this care to established charitable institutions.

The *Casa de Contratación* also made a range of payments for the maintenance costs of slaves, which were separate to the costs of slaves for provisioning ships. The *Casa de Contratación* funded their care (362 *mrs*), for example paying for two wounded slaves to be cared for at the *Hospital de Cinco Llagas*.<sup>31</sup> Lists of the costs for the maintenance of the

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<sup>27</sup> Quesada, 292, and 298.

<sup>28</sup> Quesada, 294

<sup>29</sup> Quesada, 465.

<sup>30</sup> Quesada, 455.

<sup>31</sup> Quesada, 289.

slaves include not just food but also clothes and medicine.<sup>32</sup> It is questionable whether this could be considered charity, since it was in the *Casa de Contratación*'s economic interest for slaves to be healthy and able to work. Slaves also constituted a revenue stream for the *Casa de Contratación* since owners had to pay the *Casa* for licences for their passage. "Charity" for slaves had medical and economic benefits. However, the money that the *Casa de Contratación* designated for the maintenance of slaves did not always seem to be solely for the economic benefit of the empire. For example, it gave 3.600 to Juan de Sanlúcar, a *vecino* of Sanlúcar de Barrameda, tutor of the sons of Juan Manuel, who had died, for the maintenance costs of three black slaves that had been brought from Espanola – so that the death of the master does not leave them unprovided for.<sup>33</sup> Here again the potential for enforcing a patriarchal model of power and accessing moral benefits seems to be a motivating factor in the wide-ranging provision of charity for slaves.

The *Casa de Contratación* was the cash cow of the Spanish monarchy and while much of the income was already designated to serving foreign debts,<sup>34</sup> the monarchy also issued royal *cédulas* to the *Casa de Contratación* to meet the costs of royal charity in Spain and the empire. In 1550 the *Casa de Contratación* was ordered to buy 100 *fanegas* of wheat and to bring it to the *Casa Grande*, the central Franciscan institution in Seville.<sup>35</sup> The *Casa Grande* distributed alms to the city, but it also housed people travelling to and from the Americas, including Amerindians. Provision of this "charity" of wheat for the *Casa Grande* could therefore be seen within its remit to provision transatlantic expeditions. The *Casa de Contratación* met many of the costs of missions travelling to the Americas, including their

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<sup>32</sup> Quesada 346-7

<sup>33</sup> Quesada, 294.

<sup>34</sup> See Mauricio Drelichman and Hans-Joachim Voch, *Lending to the Borrower from Hell, Debt, Taxes and Default in the Age of Philip II* (Princeton: Princeton University Press, 2014).

<sup>35</sup> AGI, INDIFERENTE, 1965.

*matelotage*, their maritime provisions, as well as liturgical goods including vestments and books.<sup>36</sup> Requests came from Franciscans, Dominicans and Carmelites, who asked for the *Casa* to provide for everything necessary to sustain them, and these were after all mendicant Orders who were meant to be sworn to voluntary poverty of varying degrees.<sup>37</sup> Quesada's account book itemises the *Casa de Contratación*'s expenditure on religious missions, which included payment for all ecclesiastic apparatus involved in establishing the Church in the Americas, such as chalices for communion and books for indoctrination.<sup>38</sup> Other donations to religious institutions were more clearly charitable, as they were separate from the *Casa*'s obligation to provide all services for transatlantic expeditions. For example it gave to the friars of San Jerónimo de Buenavista an annual allowance of fish, denoting that this was a charitable donation with the phrase "*por la merced*".<sup>39</sup> The religious language of mercy was important to the economy of charity.

The *Casa de Contratación* was requested to pay for charitable projects on both sides of the Atlantic. In 1518, the monarchy issued a Royal *Cédula* to the *Casa de Contratación* ordering the institution to pay up to three tonnes of freight to the Dominicans on Hispaniola for their charitable works.<sup>40</sup> In 1530 it received a Royal *Cédula* requesting that it provide 6 beds for the hospital for the poor in the Province of Santa Marta (in modern day Columbia).<sup>41</sup> The *Casa de Contratación* was important for negotiating the long-range charity of empire,

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<sup>36</sup> AGI, CONTADURIA, 245,A.

<sup>37</sup> For example AGI, JUSTICIA, 888,N.12.

<sup>38</sup> Quesada, 314, 1508

<sup>39</sup> Quesada, 294

<sup>40</sup> AGI, INDIFERENTE,419,L.7,F.729V-730R.

<sup>41</sup> AGI, SANTA\_FE,1174,L.1,F.56V.

and it was one of a range of institutions which the crown presented with royal *Cédulas* to request charitable payments.<sup>42</sup>

One of the major charitable projects in early modern Spain was freeing captives. The *Casa de Contratación* also intersected this charity network. In 1604 it was asked to send a list outlining the alms that they had received for the redemption of captives and how they had distributed the money. The *Casa de Contratación* could be involved in the charitable enterprise of freeing captives in a range of ways. The 1552-1727 record of the charitable expenditure of the *Casa de Contratación* itemises the costs spent on the redemption of captives.<sup>43</sup> As well as providing resources, it might grant the licences to free passage and to solicit alms.<sup>44</sup> The *Casa de Contratación*'s role in freeing captives was framed within the language of charity, but these captives had often been seized from Spanish ships. In this way, freeing captives was often linked to regaining maritime labour, indicating the different functions that charity could serve; spiritual, moral, and economic benefits were often entangled.

There is also evidence that the crown used the *Casa de Contratación* to distribute charity to maintain alliances. In 1518 the crown issued a licence to the *alguacil* (constable) of the *Casa de Contratación*, Lorenzo Pinelo, permitting him to take 200 *cahices* (an agrarian measure for cereal, specific to the region of Zaragoza) without paying charges, to distribute amongst "Christian friends".<sup>45</sup> Although it is not clear where the bread was being sent, since it was leaving from Spanish ports it was clearly intended overseas.

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<sup>42</sup> For example, the Royal Officials of Cartagena were requested to provide 800 ducats of gold for the hospital for the poor in Cartagena in 1545; AGI, SANTA\_FE, 987,1.2,f.192v-193.

<sup>43</sup> AGI, CONTADURIA, 220

<sup>44</sup> For example, in 1683 a priest asked for a licence for alms and for transatlantic passage to rescue sister in Caracas; AGI, CONTRATACION, 5445,n.2,r.1.

<sup>45</sup> AGI, INDIFERENTE, 419,L.7,F.780R-780V

The *Casa de Contratación* was not only involved in distributing from its resources, it also controlled the collection and distribution of charity by individuals within the Empire. Through its role in issuing licences, the *Casa de Contratación* became the key mediator in the administration of transatlantic charity. Issuing licences was one of the main function of the *Casa de Contratación*, since any movement of goods or peoples within the Spanish Empire required a licence from the *Casa*. It is estimated that about fifty-six thousand people registered for licences at the *Casa de Contratación* to travel to the Americas.<sup>46</sup> Licenses were also required for the movement of goods, from bread to gold. The *Casa* also processed applications for licences of those looking to go to the New World to solicit alms. Since the proliferation of the Castilian poor laws in the first half of the sixteenth century, it had become increasingly common for the poor to need a licence to beg for alms. The *Casa de Contratación* provided the bureaucratic infrastructure for these Iberian practices of soliciting charity to go global.

Religion was important to the linguistic framing of these charitable requests, reminding us that religion was important to the balance of the spiritual economy of the Spanish Empire. In 1598, representatives of the Monastery of Our Lady of Montserrat asked for a licence to seek alms in the Indies.<sup>47</sup> The discourse of this petition did not emphasise wealth, but piety. It explained that they wanted to seek alms in the Indies not necessarily because it was richer but because the people there have such great devotion.<sup>48</sup> The petition added that the monastery was sending two members of their religious community who had led an “exemplary life”. The request to seek alms in Americas was not simply financial but also, at least rhetorically, had spiritual and moral dimensions.

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<sup>46</sup> Henry Kamen, *Empire, How Spain Became a World Power, 1492-1763* (New York: Perennial, 2003), 130.

<sup>47</sup> AGI, INDIFERENTE, 745,n.64.

<sup>48</sup> AGI, INDIFERENTE, 745,n.64.

Requests for licences from the *Casa de Contratación* to seek alms in the Americas stipulated a variety of reasons and indicate the way in which religious and economic values were fused together in the early modern Iberian world. The term *limosnas* was not simply applied to money for daily bread but could be used to refer to a range of expenditures, including money for devotional images or repairs for churches and monasteries in the old world. This is a reminder that investing in religious institutions was an act of charity just as giving bread to the poor was an act of charity. Some of these requests were for small, individual requests for charity, and others were for larger projects and the long-term enrichment of big charitable institutions. Within the Catholic cosmos, acts of charity had spiritual rewards. The fabled riches of the New World which excited the lust of the conquistadores also excited peoples interests in the ways this wealth could enrich the diverse spiritual economy of charity.

Requests for alms licences also came from a range of individuals and institutions, reflecting the diverse landscapes of charity in the early modern Iberian world. Through its role in issuing licences, the *Casa de Contratación* intersected the web of charitable institutions that made up the socio-economic and religious landscape of early modern Spain. These requests came from religious institutions such as monasteries and convents,<sup>49</sup> confraternities (*cofradías*) – the lay communities committed to charity,<sup>50</sup> and hospitals, which in early modern Spain cared for the poor as well as the sick.<sup>51</sup>

The crown put the *Casa de Contratación* under pressure to issue these licences for institutions of charity to use New World wealth to top up the strained Iberian charity

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<sup>49</sup> AGI, INDIFERENTE, 745,n.64.

<sup>50</sup> For example, in 1600 the *Cofradía del Santísimo Sacramento de Cádiz* sought a licence to seek alms in the Americas; AGI, INDIFERENTE, 1953,L.5,F.40V.

<sup>51</sup> AGI, INDIFERENTE, 427,l.31,f.174V-175R.



system.<sup>52</sup> Using New World wealth to maintain Old World charity was a way for the crown to avoid unrest and maintain social order. In 1602 the crown issued a request for the hospital of Our Lady of Charity of the town of Illescas (near Toledo) to be granted a licence to seek alms in the Americas since it served the important spiritual and socio-economic function of caring for the sick and the poor.<sup>53</sup> In 1618, the same hospital received another licence, this time for eight years.<sup>54</sup> Processing these requests was an ongoing job for the *Casa* since the licences to seek alms in the Americas were often time limited. This meant that the administration of charitable requests was part of the daily business of empire.

## **Part 2 Global Catholic Communities: charity & the mediation of geographic and emotional distances**

The *Casa de Contratación* was entangled in the administration of last wills and testaments, which were a fundamental source of charity revenue in the Iberian World. In doing so, it helped mediate increasingly long-range charity and support the long-range Catholic communities that underpinned the Spanish Empire. Upon their deaths, people distributed parts of their wealth to individuals and charitable institutions of their community who had supported them in their lives so that they could gain spiritual rewards in heaven. These charitable legacies were last deposits in the spiritual economy of Catholic communities, which exchanged investment in charitable works for spiritual rewards. Charitable institutions – churches, confraternities, and hospitals – were rewarded for providing a safety net for local communities during times of economic hardship. The opening of transatlantic travel increasingly meant that many people, especially young men, often died without heirs far from the local communities that had supported them. The testamentary

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<sup>52</sup> During times of crisis hospitals could turn inmates out onto the street to beg for their daily alms.

<sup>53</sup> AGI, INDIFERENTE, 427,1.31,f.174V-175R.

<sup>54</sup> AGI, INDIFERENTE, 428,L.34,F.49R-49V.

records of the *Casa de Contratación* demonstrate that people living and dying in the Spanish Empire still wanted to pay their dues to the social assistance networks that had supported their families, often for generations. Individuals can be seen as keeping a spiritual account book as they calculated family, community and spiritual benefits flowing from their bequests. Those who had left the shores of the Iberian Peninsula to live and die in the Spanish Empire wanted to practice Christian charity through love of neighbour according to their established customs, but they still conceptualised the “neighbour” to be the people of the communities they had left in Spain, and it fell to the *Casa de Contratación* to mediate this distance as they administered transatlantic charity.

The *Casa de Contratación* was the executor of testaments of those dying while conducting the business of Spanish Empire; this included sailors and those dying at sea, but also those carrying out the functions of empire in a variety of ways. The Ordinances of the *Casa de Contratación* issued in 1504 ordered that the property of people dying in America be inventoried, converted to money, and placed in a repository in Seville until heirs could be found.<sup>55</sup> The crown was eager to keep track of this body of goods on both sides of the Atlantic and the 1563 ordinances of the *audiencias* stipulated that the *audiencia* should conduct audits of the *bienes de difuntos* which were intended to be managed by the *Casa de Contratación*.<sup>56</sup> A substantial section of the archive of the *Casa de Contratación* contains records of the *bienes de difuntos*, goods of the deceased, which may or may not be accompanied by testaments. The *Casa de Contratación* was also brought in to arbitrate lengthy legal disputes over the distribution of goods in wills as charitable institutions fought

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<sup>55</sup> Haring, *Trade and Navigation*, 91.

<sup>56</sup> 1563 *Ordinances of the audiencias*, in J. H., Parry and R. G. Keith eds, *New Iberian World: A Documentary History of the Discovery and Settlement of Latin America to the Early 17<sup>th</sup> Century* (New York: Times Books, 1984), 407 - 415, 414.

against private interests to see their share of a testamentary legacy.<sup>57</sup> The *Casa*'s engagement in executing wills embedded it within the legal discourses of charity distribution.

People sent money back from the Americas for charitable causes in the Iberian Peninsula. The 1603 testament of Don Juan de Velasco, who died at sea, instructed that his goods be left to his heirs, but if he had no heirs then his goods should be left to the charitable monastery and the confraternity dedicated to paying for the dowries of orphaned girls in his home town of Valladolid.<sup>58</sup> The 1608 testament of Hernán Pérez, described as a "*natural*" of Seville and "*vecino*" of Los Angeles, left money to the monastery of San Agustín in Los Angeles and the confraternity of *Nuestra Señora de Rosario* which gave charity to poor parents and the dowries of orphans.<sup>59</sup> The 1609 (or 1610) testament of Francisco de Alba, a "*natural*" of Almendralejo who died in Cartagena de Indias, left money for the *confradía de la misericordia* (confraternity of mercy) in Seville.<sup>60</sup>

Spanish subjects living and working in the Americas would have witnessed poverty on the streets of their host cities, but when they left money directly to the poor in their testaments, they often stipulated that the money should go to the poor of the Iberian communities they had left behind. Through the administration of testaments of those dying in the service of empire, the *Casa de Contratación* supported this long-range charity and the notion of long-range Catholic communities that could stretch across the distance of the Spanish Empire. Spanish conceptions of "the poor" were highly differentiated and there were distinct hierarchies. Some of the legacies of those dying in the Spanish Empire indicate that people still considered the poor of the communities in which they were born as most

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<sup>57</sup> For example, AGI, JUSTICIA, 834,N.7.

<sup>58</sup> AGI, CONTRATACION, 265B.

<sup>59</sup> AGI, CONTRATACION, 941A,N.6.

<sup>60</sup> AGI, CONTRATACION, 942,N.9.

deserving. Domingo Hernández died in Potosi, but his 1573 testament described him as a natural of Bilbao, and he left money for that region.<sup>61</sup> He expressed that money should go to wheat for the poor and dowries for orphans his homeland.<sup>62</sup> Juan Alcedo de la Rocha, a natural of Burgos who served as a prosecutor for the inquisition in Lima, left substantial donations to the poor in his 1597 testament.<sup>63</sup> He specified that bread be provided for poor farmers in Villafra, near the town of Burgos, as well as providing for the dowries and education of his own relatives in Jarandilla de la Vera.<sup>64</sup> Many Spaniards travelled to the New World never to return, but the evidence suggests that many did not forget the poor of their hometowns. The *Casa de Contratación* helped to distribute this long-range charity, transcending the physical distances dividing spiritually and emotionally close communities.

The *bienes de difuntos* in the *Casa de Contratación* were sometimes used in ways which differed from the intentions of the deceased. The *Casa de Contratación* was often reluctant to distribute the funds in the ways intended. Haring reported that the crown took advantage and frequently borrowed from the funds of the *bienes de difuntos*, so much so that men in the Indies tried to leave their estates to trustees.<sup>65</sup> However, the crown did not only take money from the *bienes de difuntos*; in 1557 it had ordered that the goods of those dying without heirs be distributed to the poor as alms.<sup>66</sup> This might seem like a benevolent act, but this was also a way for the crown to use extra-ordinary resources to fund royal charity in a low cost way.

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<sup>61</sup> AGI, CONTRATACION, 473,N.5,R.2

<sup>62</sup> AGI, CONTRATACION, 473,N.5,R.2

<sup>63</sup> AGI, CONTRATACION, 927,N.4.

<sup>64</sup> AGI, CONTRATACION, 927,N.4.

<sup>65</sup> Haring, *The Spanish Empire in America*, 297.

<sup>66</sup> AGI, CONTRATACION, 198, 8.

### **Part 3: Law and Bargaining: charity and the mediation of political distances**

The *Casa de Contratación* was at the centre of the “interactive bargaining process” of charity.<sup>67</sup> This “interactive bargaining process” of charity in the Spanish Empire was not just between “two goal orientated groups”, the rich and the poor, as Marco Van Leeuwen described, but a multipolar system which negotiated the interests of a range of individuals, institutions, and authorities. We can see this bargaining process in the ways in which people claimed they were poor within the legal system of the *Casa de Contratación* in order to gain access to resources or privileges such as exemptions from debts and charges. This bargaining was framed in linguistic registers of rights, religion, and paternalism, indicating that charitable exchanges went beyond the notion of “the gift”, which is often employed to understand the logic of charity.<sup>68</sup>

The *Casa de Contratación* had jurisdictional powers and heard many cases relating to the claims of the poor and legal issues relating to the administration and distribution of charity within the Spanish Empire. The *Casa* employed *jueces oficiales* (official judges) and a secretary for civil and criminal lawsuits, and there was a courtroom within the *Casa* to hear cases. The *Consejo de Indias* (Council of the Indies) was established in 1519 and became the “court of last resort” in the Spanish Empire, particularly after 1524 when it gained distinct legal status from Charles V,<sup>69</sup> but the *Casa de Contratación* continued to have legal functions. As John Fischer also explained, the *Casa de Contratación* retained a complex

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<sup>67</sup> The idea that charity is an interactive bargaining processes can be found in Marco H.D. van Leeuwen, ‘Logic of charity: poor relief in preindustrial Europe’, *The Journal of Interdisciplinary History*, 24:4 (1994), 589 – 613, 611.

<sup>68</sup> See John H. Hanson, ‘The Anthropology of Giving, Toward A Cultural Logic of Charity’, *Journal of Cultural Economy*, 8:4 (2015), 501-520.

<sup>69</sup> C. H. Haring, *The Spanish Empire in America* (Oxford: Oxford University Press, 1947), 107.

range of responsibilities even after the establishment of the Council of the Indies in 1519.<sup>70</sup> The Ordinances of the Council of the Indies ordered that “the councillors are to hear all criminal appeals from the judgements of the officials of the *Casa de Contratación* in Seville, civil appeals involving the sums laid down by Us, and other civil appeals assigned to them by the laws rehearsed in this book”.<sup>71</sup> The cases of the *Casa de Contratación* could be heard by the *Consejo de Indias* and it also maintained its own jurisdictional authorities.

The *Casa de Contratación* became involved in the administration of cases of the poor (*pleitos de pobre*). Since the Middle Ages the poor were classed as “*personas miserabiles*” and entitled to legal protection. This originally had been the preserve of Canon Law and the Church but was also taken over by lay authorities, such as the crown. As a crown institution, the *Casa de Contratación* inherited responsibilities for hearing the cases of the poor and financing their legal representation. Helping the poor to gain access to justice was part of the *Casa de Contratación*’s charitable activities.

The poor were not passive objects of an imperial strategy of charity. The poor also had legal protections and people could claim poverty as a legal defence against prosecution. As Peter Brown explained, in Late Antiquity poverty was a position for making claims.<sup>72</sup> The language and status of poverty were therefore strategically deployed as part of a process for bargaining for justice. Litigations concerning poverty, *pleitos de pobre*, abounded in the Spanish Empire, as elsewhere in the medieval and early modern worlds. As is well known, Spanish society was highly litigious and there were different overlapping spheres of legal

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<sup>70</sup> John Fishcher, *The Economic Aspect of Spanish Imperialism in America, 1493-1810* (Liverpool: Liverpool University Press, 1998), 47. José Cervera Pery has also emphasised this overlap and questioned how independent the casa was from the *Consejo de Indias*; Cervera Pery, 141.

<sup>71</sup> Ordinances of the Council of the Indies, in *New Iberian World*, 1571, 393-401, 397.

<sup>72</sup> Peter Brown, *Poverty and Leadership in the Later Roman Empire* (Hanover: NH: Brandeis University Press, 2002), 70-73.

jurisdiction. The *Casa de Contratación*, which had its own law court and prison, constituted a body of legal jurisdiction, but overlapped with others, such as the *Consejo*.

The *Casa de Contratación* responded to pleas made by people who could not meet certain costs associated with transatlantic voyages. Prospective passengers travelling across the Atlantic needed to procure a licence from the *Casa de Contratación* for themselves and any dependents, family members, servants (*criados*), and slaves. The *Casa de Contratación* contains records of pleas from people who claimed they were too poor to meet these costs.<sup>73</sup> There was some expectation that the *Casa de Contratación* might show leniency as it heard these cases, but its jail was also full from cases where it had not shown leniency to people who had not paid certain fees in the empire. Yet claiming poverty was seen as a viable defence. In 1570, the Italian Lorenzo de Piedemonte was sentenced for being a foreigner who travelled to the new world without a licence and he defended himself by claiming that he was too poor to pay for this licence.<sup>74</sup> The hierarchy of rights is evident in these claims. One woman excused herself for not paying for the licence to take slaves to the Americas on the grounds that she was too poor,<sup>75</sup> indicating that poverty was a strategic legal category and could still be claimed by someone rich enough to own slaves.

The *Casa de Contratación* also met the costs of the lawyers who defended the poor in *pleitos de pobre*.<sup>76</sup> Unlike the *Consejo de Indias*,<sup>77</sup> the *Casa de Contratación* was not mandated in its ordinances to pay for the lawyers of the poor but it still ended up meeting these legal costs. The crown issued Royal *Cédulas* to the *Casa* asking it to pay for these

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<sup>73</sup> For example, AGI, INDIFERENTE, 1966,L.15,F.465V-469.

<sup>74</sup> AGI, JUSTICIA,897,N.2.

<sup>75</sup> AGI, SANTO\_DOMINGO, 868,l.1.f.23R-24R.

<sup>76</sup> For example, AGI, INDIFERENTE, 426, 125,f345r-345v (1575) and INDIFERENTE, 450, l a6, f. 220v -221.

<sup>77</sup> *Colección de Documentos... de Indios* (Madrid 3 ) Vol. 16, 406-460, in *New Iberian World*, 393 – 401, 394.

lawyers for the poor.<sup>78</sup> The *Casa de Contratación* could also be ordered to pay legal costs of religious institutions, and in 1548 it was ordered to pay 114.750 *maravedíes* for the legal support of Santo Domingo de Portaceli in Seville.<sup>79</sup>

## Conclusion

This overview of the *Casa de Contratación* has shown that the institution was more than a commercial, administrative, and financial hub of empire, but that it was also a hub of charity. It intersected the socio-economic, religious, and political landscapes of the early modern world, of which charity was a major component. As the gatekeeper of transactions between the Old World and the New it played a role in the channelling of the collection and distribution of transatlantic charity for a range of institutions and individuals. It also had its own charitable activities, distributing charity as resources and as justice.

This overview contributes to our understanding of the place of charity in the process of early modern empire formation. The *Casa de Contratación* mediated the distances involved in long-range charity. The examples have shown that charitable giving had potential economic, social, political, medical, and moral benefits. Charity could be a mechanism for sustaining a work force, maintaining social order, and re-inscribing the political and socio-cultural norms of the hierarchical form of governance conceptualised by the monarchy. Charity provided the opportunity for the Crown to appear as a benevolent provider, reinforcing patriarchal conceptions of power. We have learned also that religion retained a significant, if often overlooked, role. Catholicism, re-booted by the Council of Trent, guaranteed the value of charity and was important to the discursive framing of charity.

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<sup>78</sup> AGI, INDIFERENTE, 1966, L.15,F.405V406.

<sup>79</sup> AGI, INDIFERENTE, 1964, L.10, F.374V-375V.



Most of the charitable actions of the *Casa de Contratación* were not part of normative procedures but were extra-ordinary actions demanded by the monarchy through the mechanism of the Royal *Cédula*. Since the distribution of charity offered a range of advantages to the crown, on the surface, it might appear that the monarchy was using the *Casa de Contratación* as an instrument to consolidate its absolutism through the paternalism of charity. However, as Regina Grafe and MA Irigoin first observed in 2006, “the Spanish system of governance was highly negotiated rather than absolutist”.<sup>80</sup> Grafe and Irigoin spotlighted the ways in which the Spanish crown was engaged in “bargaining for absolutism”. Here we see that charity was part of this bargaining process. The poor, or people claiming poverty, were not agency-less objects of charity, but rather people who actively claimed the status of poverty to manipulate the channels of charity and claim a range of goods and services. Finally, in a world where religious belief remained central, this bargaining was for gains in both the material and the spiritual worlds, the interchangeability between these values within the exchanges of spiritual economy of charity were important to the formation of the global Catholic communities that constituted an important part of the Spanish Empire.

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<sup>80</sup> R. Grafe, M. A. Irigoin, ‘Bargaining for Absolutism: A Spanish Path to Nation State and Empire Building’, *University of Oxford, Discussion Papers in Economic and Social History*, 65 (2006), 1-46, 4.